

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JULIET D'SOUZA,

Plaintiff,

-against-

ZEENA LOBO AND NEIL LOBO,

Defendants.

-----X

ORDER

CV 09-410 (TCP)(ARL)

LINDSAY, Magistrate Judge:

Before the court is the plaintiff's request for leave to file a formal motion concerning the defendant's designation of William Camera, CPA, as an expert witness. That request is denied. The court can rule on the plaintiff's application based on her current submission, which contains a page and a half of legal argument, as well as a copy of the expert report at issue.

The defendants have designated Mr. Camera as an expert who will testify that the plaintiff was legally compensated for her services. The plaintiff seeks to have the court designate Mr. Camera as a fact witness, at this time, rather than in a pretrial motion in limine, so that she does not have to compensate Mr. Camera as an expert for his deposition. It is clear from the annexed expert report that the defendants intend to have Mr. Camera render an opinion as to the proper application of New York State Labor Regulations. The plaintiff has mischaracterized Mr. Camera's anticipated testimony as involving only simple arithmetic. Accordingly, the plaintiff's motion to have Mr. Camera designated as a fact witness is denied.

Nothing in this ruling is intended to prevent the plaintiff from submitting a motion in limine to the District Judge in advance of the trial.

Dated: Central Islip, New York
June 22, 2010

SO ORDERED:

_____/s_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge